

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOORADIAN DAVIS, PC,

Plaintiff,

Case No. 20-cv-12138
Hon. Matthew F. Leitman

v.

LE MOBILE, INC., *et al.*,

Defendants.

/

ORDER (1) GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION TO DISMISS (ECF No. 6) AND
(2) DENYING WITHOUT PREJUDICE DEFENDANTS'
MOTION FOR SANCTIONS (ECF No. 7)

On July 23, 2020, Plaintiff Mooradian Davis, PC filed this breach-of-contract action against Defendants Le Mobile, Inc. and Guy Charbonneau. (*See* Compl., ECF No. 1, PageID.8-16.) Mooradian Davis thereafter filed a First Amended Complaint. (*See* First Am. Compl., ECF No. 4.) On September 14, 2020, Defendants filed a motion to dismiss Mooradian Davis' First Amended Complaint. (*See* Mot. to Dismiss, ECF No. 6.) Defendants have also filed a motion for sanctions. (*See* Mot. for Sanctions, ECF No. 7.) The Court held a video hearing on Defendants' motions on February 16, 2021. (*See* Notice of Hearing, ECF No. 12.)

For the reasons stated on the record during the motion hearing, **IT IS HEREBY ORDERED** as follows:

- Defendants' motion to dismiss (ECF No. 6) is **GRANTED** with respect to the portion of Mooradian Davis' breach-of-contract claim arising out of the alleged failure of Defendants to reimburse Mooradian Davis for incurred expenses. As counsel for Mooradian Davis acknowledged on the record during the hearing, Mooradian Davis has failed to state a plausible claim arising out of that alleged breach;
- Defendants motion to dismiss (ECF No. 6) is **DENIED** with respect to the portion of Mooradian Davis' breach-of-contract claim arising out of Defendants' alleged failure to consult with him in violation of Section Two of the parties' consulting agreement (*see* ECF No. 6-2, PageID.75); and
- Defendants' motion for sanctions (ECF No. 7) is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated: February 16, 2021

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 16, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764